

1 A bill to be entitled  
 2 An act relating to driving restrictions; amending s.  
 3 322.05, F.S.; revising age restrictions on the issuance of  
 4 driver's licenses by the Department of Highway Safety and  
 5 Motor Vehicles; prohibiting issuance of a driver's license  
 6 to a person under a certain age unless driver education  
 7 requirements are met; amending s. 322.16, F.S.;  
 8 prohibiting a person under a certain age from operating a  
 9 motor vehicle with more than one passenger and from  
 10 operating a motor vehicle during certain times; providing  
 11 exceptions; providing penalties; amending s. 322.1615,  
 12 F.S.; revising age of eligibility for a learner's driver's  
 13 license; reenacting s. 318.14(1), F.S., relating to  
 14 noncriminal traffic infractions, to incorporate changes  
 15 made by the act in a reference; providing applicability;  
 16 providing an effective date.

17  
 18 Be It Enacted by the Legislature of the State of Florida:

19  
 20 Section 1. Section 322.05, Florida Statutes, is amended to  
 21 read:

22 322.05 Persons not to be licensed.--The department may not  
 23 issue a license:

24 (1) To a person who has not attained 17 ~~is under the age~~  
 25 ~~of 16~~ years of age, except that the department may issue a  
 26 learner's driver's license to a person who has attained 16 ~~is at~~  
 27 ~~least 15~~ years of age and who meets the requirements of ss.  
 28 322.091 and 322.1615 and of any other applicable law or rule.

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29           (2) To a person who has attained 17 ~~is at least 16~~ years  
30 of age but has not attained ~~is under~~ 18 years of age unless the  
31 person meets the requirements of s. 322.091 and holds a valid:

32           (a) Learner's driver's license for at least 12 months,  
33 with no moving traffic convictions, before applying for a  
34 license;

35           (b) Learner's driver's license for at least 12 months and  
36 who has a moving traffic conviction but elects to attend a  
37 traffic driving school for which adjudication must be withheld  
38 pursuant to s. 318.14; or

39           (c) License that was issued in another state or in a  
40 foreign jurisdiction and that would not be subject to suspension  
41 or revocation under the laws of this state.

42           (3) To a person who has attained 17 ~~is at least 16~~ years  
43 of age but has not attained ~~who is under~~ 18 years of age,  
44 unless:

45           (a) The person has successfully completed a driver  
46 education course with a curriculum established and approved by  
47 the department that includes a minimum of 10 hours of driving  
48 instruction; and

49           (b) The parent, guardian, or other responsible adult  
50 meeting the requirements of s. 322.09 certifies that he or she,  
51 or another licensed driver 21 years of age or older, has  
52 accompanied the applicant for a total of not less than 50 hours'  
53 behind-the-wheel experience, of which not less than 10 hours  
54 must be at night. This paragraph subsection is not intended to  
55 create a private cause of action as a result of the

56 certification. The certification is inadmissible for any purpose  
57 in any civil proceeding.

58 (4) Except as provided by this subsection, to any person,  
59 as a Class A licensee, Class B licensee, or Class C licensee,  
60 who has not attained ~~is under the age of~~ 18 years of age.

61 (5) To any person whose license has been suspended, during  
62 such suspension, nor to any person whose license has been  
63 revoked, until the expiration of the period of revocation  
64 imposed under the provisions of this chapter.

65 (6) To any person, as a commercial motor vehicle operator,  
66 whose privilege to operate a commercial motor vehicle has been  
67 disqualified, until the expiration of the period of  
68 disqualification.

69 (7) To any person who is a ~~an~~ habitual drunkard, or is a  
70 ~~an~~ habitual user of narcotic drugs, or is a ~~an~~ habitual user of  
71 any other drug to a degree which renders him or her incapable of  
72 safely driving a motor vehicle.

73 (8) To any person who has been adjudged to be afflicted  
74 with or suffering from any mental disability or disease and who  
75 has not at the time of application been restored to competency  
76 by the methods provided by law.

77 (9) To any person who is required by this chapter to take  
78 an examination, unless such person shall have successfully  
79 passed such examination.

80 (10) To any person, when the department has good cause to  
81 believe that the operation of a motor vehicle on the highways by  
82 such person would be detrimental to public safety or welfare.

83 Deafness alone shall not prevent the person afflicted from being  
 84 issued a Class E driver's license.

85 (11) To any person who is ineligible under s. 322.056.

86 Section 2. Section 322.16, Florida Statutes, is amended to  
 87 read:

88 322.16 License restrictions.--

89 (1) (a) The department, upon issuing a driver's license,  
 90 may, whenever good cause appears, impose restrictions suitable  
 91 to the licensee's driving ability with respect to the type of  
 92 special mechanical control devices required on a motor vehicle  
 93 that the licensee may operate, including, but not limited to,  
 94 restricting the licensee to operating only vehicles equipped  
 95 with air brakes, or imposing upon the licensee such other  
 96 restrictions as the department determines are appropriate to  
 97 assure the safe operation of a motor vehicle by the licensee.

98 (b) The department may further impose other suitable  
 99 restrictions on use of the license with respect to time and  
 100 purpose of use, including, but not limited to, a restriction  
 101 providing for intrastate operation only, or may impose any other  
 102 condition or restriction that the department considers necessary  
 103 for driver improvement, safety, or control of drivers in this  
 104 state.

105 (c) The department may further, at any time, impose other  
 106 restrictions on the use of the license with respect to time and  
 107 purpose of use or may impose any other condition or restriction  
 108 upon recommendation of any court, of the Parole Commission, or  
 109 of the Department of Corrections with respect to any individual  
 110 who is under the jurisdiction, supervision, or control of the

111 entity that made the recommendation.

112 (d) The department may impose a restriction upon the use  
 113 of the license requiring that the licensee wear a medical  
 114 identification bracelet when operating a motor vehicle. Medical  
 115 identification bracelet restrictions must be coded on the  
 116 license of the restricted operator. There is no penalty for  
 117 violating this paragraph.

118 (2) A person who holds a driver's license and who has not  
 119 attained 18 ~~is under 17~~ years of age, when operating a motor  
 120 vehicle after 11 p.m. and before 6 a.m., must be accompanied by  
 121 a driver who holds a valid license to operate the type of  
 122 vehicle being operated and is at least 21 years of age unless  
 123 that person is driving directly to or from work.

124 (3) (a) During the first 6 months after the date of his or  
 125 her licensure, a person who has not attained 18 years of age  
 126 shall not operate a motor vehicle with more than one passenger  
 127 in the motor vehicle unless accompanied by a driver who holds a  
 128 valid license to operate the type of vehicle being operated and  
 129 is at least 21 years of age.

130 (b) This subsection does not apply:

131 1. To any passenger or passengers who are siblings or  
 132 children of the driver, whether related by whole or half blood,  
 133 by affinity, or by adoption.

134 2. If the motor vehicle is being used for work purposes,  
 135 including, but not limited to, agricultural purposes. A person  
 136 ~~who holds a driver's license who is 17 years of age, when~~  
 137 ~~operating a motor vehicle after 1 a.m. and before 5 a.m., must~~  
 138 ~~be accompanied by a driver who holds a valid license to operate~~

139 ~~the type of vehicle being operated, and is at least 21 years of~~  
 140 ~~age unless that person is driving directly to or from work.~~

141 (4) The department may, upon receiving satisfactory  
 142 evidence of any violation of the restriction upon such a  
 143 license, except a violation of paragraph (1)(d), subsection (2),  
 144 or subsection (3), suspend or revoke the license, but the  
 145 licensee is entitled to a hearing as upon a suspension or  
 146 revocation under this chapter.

147 (5) It is a misdemeanor of the second degree, punishable  
 148 as provided in s. 775.082 or s. 775.083, for any person to  
 149 operate a motor vehicle in any manner in violation of the  
 150 restrictions imposed in a license issued to him or her except  
 151 for a violation of paragraph (1)(d), subsection (2), or  
 152 subsection (3).

153 (6) Any person who operates a motor vehicle in violation  
 154 of the restrictions imposed in subsection (2) or subsection (3)  
 155 commits a noncriminal traffic infraction, punishable as ~~will be~~  
 156 ~~charged with a moving violation as provided in and fined in~~  
 157 ~~accordance with~~ chapter 318.

158 Section 3. Subsection (1) of section 322.1615, Florida  
 159 Statutes, is amended to read:

160 322.1615 Learner's driver's license.--

161 (1) The department may issue a learner's driver's license  
 162 to a person who is at least 16 ~~15~~ years of age and who:

163 (a) Has passed the written examination for a learner's  
 164 driver's license;

165 (b) Has passed the vision and hearing examination  
 166 administered under s. 322.12;

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167 (c) Has completed the traffic law and substance abuse  
168 education course prescribed in s. 322.095; and

169 (d) Meets all other requirements set forth in law and by  
170 rule of the department.

171 Section 4. For the purpose of incorporating the amendment  
172 made by this act to section 322.16, Florida Statutes, in a  
173 reference thereto, subsection (1) of section 318.14, Florida  
174 Statutes, is reenacted to read:

175 318.14 Noncriminal traffic infractions; exception;  
176 procedures.--

177 (1) Except as provided in ss. 318.17 and 320.07(3)(c), any  
178 person cited for a violation of chapter 316, s. 320.0605, s.  
179 320.07(3)(a) or (b), s. 322.065, s. 322.15(1), s. 322.16(2) or  
180 (3), s. 322.161(5), s. 322.19, or s. 1006.66(3) is charged with  
181 a noncriminal infraction and must be cited for such an  
182 infraction and cited to appear before an official. If another  
183 person dies as a result of the noncriminal infraction, the  
184 person cited may be required to perform 120 community service  
185 hours under s. 316.027(4), in addition to any other penalties.

186 Section 5. The amendments made by this act to sections  
187 322.05 and 322.1615, Florida Statutes, shall apply to  
188 applications for driver's licenses and applications for  
189 learner's driver's licenses received on or after October 1,  
190 2009.

191 Section 6. This act shall take effect October 1, 2009.